



Waste Management Inc. - Midwest  
Northern Region  
W124 N8925 Boundary Road  
Menomonee Falls, Wisconsin 53051  
414/251-4000 • FAX: 414/251-0240

## Attachment III

August 11, 1995

Mr. George Meyer, Secretary  
Wisconsin Department of Natural Resources  
State of Wisconsin  
101 South Webster Street  
Madison, WI 53707

### RE: DECENTRALIZATION OF SOLID WASTE PLAN REVIEWS

Dear Secretary Meyer:

Thank you for the opportunity to meet last month and discuss various aspects of the Wisconsin Department of Natural Resources' proposed reorganization plan. During our meeting, you challenged me to explain why solid waste plan reviews should continue to be managed centrally, given that other Department functions will be decentralized under the Department's new structure. In reply, I would submit that Wisconsin has relatively few active landfills -- just 100 -- all of which are highly technical, closely regulated facilities. The small number of facilities, coupled with the need for technical expertise on the part of the Department, suggest that centralized management, allowing specialization by DNR staff, is most efficient. Landfills are also unique in that they are among the most controversial facilities regulated by the Department. Wisconsin's landfill siting law requires the Department to objectively evaluate the technical aspects of proposed facilities and sets forth a formal, distinctly separate structure for community participation. The framework of Wisconsin's siting law would seem to conflict with a localized approach to Department review of waste facilities.

As you requested, this letter sets forth Waste Management's concerns regarding the proposed decentralization of Department plan review functions for landfills and other highly technical solid waste facilities.

#### **Decentralization of solid waste plan reviews would make it more likely that political pressure would influence environmental decision making.**

Many years ago, Wisconsin adopted a landfill siting law intended to separate consideration of local concerns from the process of evaluating a landfill's potential environmental performance. Although it is not perfect, Wisconsin's siting law has ensured that solid waste facilities are sited where they are environmentally feasible, rather than merely politically desirable. As a result, Wisconsin enjoys adequate highly engineered, affordable landfill capacity.

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The success of Wisconsin's landfill siting law is due in large measure to the Department of Natural Resources' determination to evaluate the environmental feasibility of solid waste facilities in a manner that is absolutely beyond reproach. The Department's decisions have been influenced by neither those who oppose nor those who propose facilities. As a result, the Department's approach to landfill siting has tremendous credibility.

Dispersal of authority for landfill plan reviews, however, threatens to undermine DNR objectivity. A DNR staff member operating in a limited geographic area will be far more vulnerable to political pressure than a DNR employee operating at a location removed from local controversy. In this case, decentralization's promise of bringing the Department "closer to the community" is a flaw rather than an advantage.

**Decentralization of solid waste facility approvals will result in inconsistent decisions.**

Wisconsin's administrative rules contain detailed criteria for construction and operation of solid waste facilities. The rules require constant interpretation. And because every landfill and facility is unique in its geology, location, and design, DNR staff make myriad site-specific decisions regarding each landfill proposal. Most of these interpretations and decisions are currently made by central staff, ensuring that decision making criteria and regulations are applied uniformly statewide. This consistency will be lost if plan reviews are transferred to decentralized decision makers.

The impact of the loss of consistency in environmental permitting for solid waste facilities goes beyond abstract issues of "fairness." The solid waste industry is so highly regulated that conditions of construction and operation set by the Department literally define the marketplace for solid waste services. A Department decision allowing a facility to trim its construction or operation costs gives that facility a competitive advantage in the statewide market for solid waste services.

We also foresee difficulties in undertaking enforcement of Department decisions that are not uniformly applied statewide.

**Decentralization of solid waste facility approvals will decrease efficiency while increasing review times and cost.**

As you know, the number of plan reviews submitted to the Department is unpredictable and fluctuates from year to year. To accommodate this fluctuating workload, central office staff can be shifted from non-critical activities to assist with plan reviews. If staff are decentralized, however, the Department will have far less flexibility to reassign staff to accommodate a varying workload. A region office operating with a small staff, for example, will simply not have a pool of experienced personnel to draw from to accommodate a sudden increase in workload. As a regulated entity, our deepest concern has for some time been the length of time required to obtain Department approvals. Decentralization will lengthen, rather than shorten, turnaround times.

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The cost of decentralization is also a concern. Existing central office staff have become specialists in various highly complex aspects of solid waste facility regulation. One individual, for example, is extremely knowledgeable regarding financial assurance; other individuals specialize in composting, bioremediation, and so on. These individuals are regularly assigned to provide their expertise on a statewide basis. In order to replicate this depth of experience and knowledge at multiple locations, however, the Department would have to replicate its existing personnel base at each decentralized site at great expense.

**Decentralization will slow the Department's ability to respond to technical innovations.**

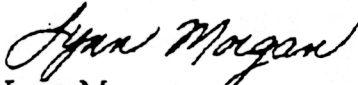
We recently had a very positive experience working with Department staff to introduce a new technology, off-site bioremediation of petroleum contaminated soils, at our Wisconsin landfills. The Bureau of Solid and Hazardous Waste quickly assembled staff with expertise in various areas to evaluate the feasibility of our proposal. When their concerns had been addressed, the Bureau issued identical permits for bioremediation facilities at three of our landfills (subsequently, permits have been issued for all seven of our Wisconsin landfills). How would this effort have played out in a decentralized Bureau? Would Waste Management have had to repeat its application at several different offices? Would a decentralized office have been allocated enough resources to have personnel on hand capable of evaluating the many different facets of such a project? Would all of the bioremediation permits have been identical?

As in the private sector, the Bureau's ability to evaluate innovative proposals depends to a large extent on staff's confidence in their ability to evaluate the feasibility of a new technology. Having a centralized staff increases the likelihood of having available the expertise that will allow the Department sufficient confidence to approve plans that incorporate technological innovations benefitting Wisconsin's environment.

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I hope that our concerns regarding this very specific, and admittedly narrow, aspect of the proposed reorganization do not detract from our overall support for your efforts to streamline and update your Department. We appreciate the opportunity to express our concerns and look forward to working with you in the future.

Yours sincerely,



Lynn Morgan  
Manager of Legislative  
and Regulatory Affairs

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